



Canada Border
Services Agency

Agence des services
frontaliers du Canada

PROTECTED B

For information

STATUS UPDATE OF THE DEPARTMENTAL SECURITY PLAN

For the President

PURPOSE

To provide you with a status update on the Canada Border Services Agency's (CBSA) Departmental Security Plan (DSP).

ISSUE

As required by the Treasury Board Secretariat (TBS), the CBSA and other federal government departments and agencies must develop and implement a DSP.

BACKGROUND

Through the Policy on Government Security, the Directive on Departmental Security Management and the Management Accountability Framework, TBS requires that federal departments and agencies develop, implement, monitor and maintain a DSP. The DSP is to be developed based upon a security risk management process in order to detail the security risks in a department or agency and to outline the decisions taken for managing them and improving overall security.

The inaugural CBSA DSP was developed and signed off by the President on January 25, 2013. At this time,

STATUS UPDATE

Throughout the 2014-2015 fiscal year, several controls were implemented to address the
As a result:

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The DSP is an evergreen document and as such, changes were made and endorsed by the Security Management Committee in October 2014 and additional changes added during summer 2015. The DSP has evolved and now includes a total of

The key changes include the removal of the professional conduct risk as the CBSA Professional Integrity Program was deemed to be a control.

On July 9, 2015, a status report was presented to Comptrollership Management Committee. Members recommended the DSP be integrated to the Agency's Enterprise Risk Profile. The SPSPD team is working closely with the Corporate Planning and Risk Management Division, Corporate Affairs Branch to combine these two Agency Risk documents.

NEXT STEPS

The DSP was developed for a three year period. Over the next several months, the SPSPD will undertake a complete revamping of the DSP to develop the 2016-2019 for your approval.

RECOMMENDATION

This status update is for your information only.

Christine Walker, Vice-President
Comptrollership



For approval

ELECTRONIC MONITORING AND LONG-TERM DETENTION

For the Vice-President

PURPOSE

To provide information on the increasing inclination by Immigration and Refugee Board (IRB) members to release detainees on self-funded electronic monitoring (EM) as a release mechanism for long-term detention; identify any possible program or policy implications of self-funded EM and a recent *habeas corpus* decision on the detention program; and, seek approval to proceed with the recommended course of action.

ISSUE

Currently, the Canada Border Services Agency (CBSA) makes limited use of EM as a release mechanism for long-term immigration detainees. However, there has been an increase in IRB members opting to rule in favor of self-financed EM release, in particular for long-term detainees where removal is deemed by the member to be highly unlikely. In addition, recent and current litigation has highlighted the Agency's inadequate alternative to detention (ATD) options; in Federal Court in *Warssama v. Canada*, and in *habeas corpus* applications which allowed the legality of detentions to be reviewed by provincial courts on the basis of the *Charter of Rights and Freedoms*.

BACKGROUND

The CBSA immigration detention program has seen an increase in media attention and criticism in the last two years as a result of the deaths of three detainees: a suicide in 2013 in the Vancouver immigration holding centre; and, two deaths in 2014 and 2015 in Ontario correctional facilities. These incidents and the growing concerns regarding potential impacts of long-term detention on the health and well-being of detainees may be contributing to a propensity for the IRB to allow release on self-funded EM in long-term detention cases, as well as a sense within the legal community that the timing may be opportune for courts to hear new claims on the constitutionality of long-term detention where duration is uncertain.

Electronic Monitoring

A CBSA officer's decision to detain a person under the *Immigration and Refugee Protection Act* (IRPA) is subject to an independent review by a member of the IRB who may release the person, identify conditions for release, or determine that detention should continue. IRB detention reviews are conducted 48 hours after initial detention, seven days thereafter and then every 30 days. Just as a CBSA officer must consider alternatives to detention at the outset, so must IRB decision makers at each detention review. A person may be released on terms and conditions, a deposit of money or a guarantee, or supervision by a third party (i.e., Toronto Bail Program).

EM, in the form of GPS satellite technology via ankle bracelet, tracks the whereabouts of an individual subjected to monitoring. The CBSA's past experience with this EM technology has been mainly focused on Security Certificate cases which was costly due largely to the fact that 24/7 active monitoring and surveillance was required. Based on industry standards, the total daily costs of EM monitoring are significantly lower than the daily costs of detention (

In the absence of a CBSA EM program, the IRB is considering and allowing self-funded EM in some cases.

Habeas Corpus

The CBSA has faced significant criticism from the international community, non-governmental organizations, interest groups and academia for the absence of time limits to immigration detention, denouncing it as "indefinite".

While the current detention framework does not include a time limit on immigration detention, the Supreme Court concluded in *Charkaoui (2007)* that the lack of a time limit does not constitute "indefinite detention", because Canada's framework provides a meaningful process for ongoing review of detention, taking into account the circumstances of each individual case.

Last year, *habeas corpus* applications were filed in Ontario Superior Court (OSC) and in October 2015, Ontario's top court opened an avenue for long-term detainees to challenge the legality of their detentions in OSC rather than through the immigration process and Federal Court (FC). Although the government argued that the FC provides all the necessary safeguards, the Ontario Superior Court of Appeal determined that the appellants' cases must be returned to the OSC to be heard on their merit, concluding that reviews under IRPA are not as broad and are less advantageous than the scope of *habeas corpus*. This decision created a parallel scheme in Ontario provincial courts for appealing IRPA detentions. Prior to that, the OSC had always declined to hear these cases as they were deemed outside its jurisdiction since reviews of immigration detention were done by the IRB and the Federal Court.

In a recent case (*Warssama v. Canada*), the presiding Federal Court judge commented on the inappropriate length an individual is detained for removal, and that release on alternatives ought to be considered, including through the use of EM.

STATUS

Although the Agency consistently argues against the use of EM as a release mechanism, decisions to release on self-funded EM are rendering the Agency increasingly vulnerable. The absence of a policy outlining a maximum period of time for detention as well as the absence of an EM or broader ATD program is increasingly presenting reputational risks for the Agency. At present there are four (4) long-term detainees that have been released as a result of self-funded EM and another detainee proposed self-funded EM at a February 1, 2016, detention review.

Granting of self-funded release on EM creates a *de facto* two-tiered detention release program whereby only those with the means to 'buy' release can do so. It also does not cover CBSA costs for investigations-related work when a tamper warning is received. Although IRPA Regulation 47(3) stipulates that a legal source of funds must be used to secure release on bond; the same standard may not apply when EM release is ordered by the IRB. Therefore, there is also a risk that those released may use illegally sourced funds to cover EM costs.

Over the coming months, the CBSA can likely expect more of these cases, as the number of persons currently in detention 6+ months currently number 99 out of a total of 439 detainees, and the number increases to 165 detainees for those in detention 90+ days (based on NCMS data cubes on January 29, 2016, provided by Operations).

NEXT STEPS

In efforts to address policy issues surrounding self-funded EM, Programs and Operations will work together to develop national EM guidelines for hearings officers in order to ensure consistency in CBSA's arguments against release on self-funded EM and to provide clear parameters/ requirements for cases released by the IRB on EM.

The CBSA will continue to argue the *habeas corpus* cases in hopes of a favorable decision but will prepare for potential implications of an unfavorable one. In tandem, Programs and Operations will work on developing and proposing a long-term detention policy for the Agency.

Outcomes and issues related to current EM will help inform the CBSA's ongoing efforts to design an ATD program, including release on EM.

RECOMMENDATION

A VP-level meeting is recommended between the CBSA and the IRB to discuss the challenges posed and issues raised by its members' support of release on self-financed EM. This meeting would also provide an opportunity to brief the IRB on the status of the Agency's work on ATDs, particularly with regard to EM. Should you agree with this recommendation, we will prepare supporting material for the meeting.

Lesley Soper
A/Director General

Vice-President's Response

I approve ☐ I do not approve ☐

Martin Bolduc
Vice-President



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For information

CBSA Ideas for a Post 2016 Canada-US Border Strategy

For the President

PURPOSE

To provide the President with CBSA's top ideas for a Post 2016 Canada-US Border Strategy with the greatest impact to the Agency and of interest to the US that aligns with the Liberal Party's Platform.

ISSUE

The CBSA should seek to align its ideas for a Post 2016 Canada-US Border Strategy to support the implementation of the new government's priorities as identified in the Liberal Party Platform.

BACKGROUND

The newly elected Liberal Party's Platform pledges to make greater investments in Canada's roads, bridges, transportation corridors, ports, and border gateways, helping Canada's manufacturers get their goods to market. The Platform also commits to renewing and repairing our relationship with the United States and Mexico by reducing the barriers that limit trade, and promoting a steadier flow of goods and business travellers by modernizing border infrastructure and streamlining cargo inspections. In addition, the Platform commits to carefully considering all trade opportunities currently open to Canada, and exploring deeper trade relationships with emerging and established markets, including China and India. The Platform also commits to developing a new export promotion strategy that will help businesses take advantage of new trade agreements.

During the Summer, the Privy Council Office (PCO) consulted with Departments and Agencies to obtain direction on moving forward with potential initiatives in support of Medium Term Planning. The result was the creation of chart containing joint Canada/US initiatives (see attached "PCO 2016 Canada - US Ideas").

In addition, on October 20, 2015, the Programs Branch was tasked with consulting Agency-wide to obtain a priority list (air and land modes) of the CBSA's top work in progress and identify any proposed new initiatives for a Post 2016 Canada-US Border Strategy with the greatest impact to the Agency and of interest to the US that aligns with the Liberal Party's Platform. Of the identified ideas that were discussed with VPs on October 27, several ideas were determined to

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have limited support (Cross Border Rail, Trusted Traveller: Mexico, and
 whereas others were retained with additional clarification and consideration
 requested: Expansion of Preclearance (land & air), and eCommerce (requiring a rebranding to
 further clarify and avoid confusion with common use of term eCommerce). The ideas listed
 below also factored in recent discussions at the Can/Am Border Trade Alliance (BTA)
 Conference in Washington on October 4-6, 2015, and the Canada/US Border Conference in
 Detroit on October 27-28, 2015.

IDEAS

Expansion of Preclearance

At recent stakeholder conferences such as the Can/Am BTA and the Canada/US Border
 Conference, Preclearance was the most recurring high-priority border initiative that was
 discussed by the US and Canada. The importance to pass the required legislation as well as the
 need to expand Preclearance (air, land and rail –e.g. Montreal/New York City; formalize the
 Rocky Mountaineer agreement in the Pacific Region) was underscored to participants, but at the
 Canada/US Border Conference the US also stated that they will be aggressively signing off
 Preclearance agreements with nine countries and ten airports in 2016.

In terms of land mode, the CBSA could build on pre-existing Border Infrastructure Investment
 Plan (BIIP) accomplishments under the Small and Remote Ports of Entry (SRPOE) initiative. A
 land Preclearance initiative at a SRPOE could be pursued where “co-location” of facilities and
 officers with the US to preclear entry into Canada for both commercial and traveller in the US
 could be of mutual interest, such as where US facilities far exceed that of the CBSA’s.

At the June 17, 2015 Executive Steering Committee (ESC), the EVP invited CBP’s
 Commissioner to engage in focused discussions to determine at which ports of entry “co-
 location” could be of mutual interest. Initial dialog with the US on possible “co-location” sites
 has begun.

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the CBSA has established the POE on the canal lands and is currently functioning well.

Responding to eCommerce growth

The Liberal Party's Platform promises to expand exports and opportunities for Canadians by promoting a steadier flow of goods as well as developing a new export promotion strategy that will help businesses take advantage of new trade agreements.

At the October Can/Am BTA Conference, the US stressed that the emerging eCommerce growth is exponential and that border processes needed to accommodate this future. The CBSA should develop a strategy to respond to the growing needs of eCommerce. Having an e-Commerce Strategy initiative in place would further enhance the CBSA's Border Modernization priority of developing a modern border management Agency that excels in service delivery. Considering that eCommerce has significant impacts on both the courier mode and the postal mode, an area of interest to both the US and the CBSA could be looking to harmonize these two modes (especially around eCommerce) in the future. The CBSA could work with the US to develop pilot opportunities such as an eManifest for both modes, using common data elements for tracking shipments. There are _____ and _____ to _____ at the recent conferences.

Additional initiatives of interest

_____ to further reduce wait times and delays, a priority that echoes the Liberal Party's Platform promise to promote a steadier flow of goods and business travellers by modernizing border infrastructure. Expanding RFID for goods was a priority that was initially featured in the previously mentioned PCO chart (see attached).

_____ The CBSA and US CBP could further explore and enhance the joint enrolment process for the NEXUS program.

 Peter Hill, A/Vice-President
 Programs Branch

Attachment (PCO 2016 Canada - US Ideas)



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CBSA Ideas for a Post 2016 Canada-US Border Strategy

For the President

PURPOSE

To provide you with CBSA's top ideas for a Post 2016 Canada-US Border Strategy with the greatest impact to the Agency and of interest to the US that aligns with Government priorities.

ISSUE

The CBSA should seek to align its ideas for a Post 2016 Canada-US Border Strategy to support the implementation of the new government's priorities.

BACKGROUND

The newly elected Government pledges to make greater investments in Canada's roads, bridges, transportation corridors, ports, and border gateways, helping Canada's manufacturers get their goods to market. The Government also commits to renewing our relationship with the United States and Mexico by reducing the barriers that limit trade, and promoting a steadier flow of goods and business travellers by modernizing border infrastructure and streamlining cargo inspections. In addition, the Government commits to carefully considering all trade opportunities currently open to Canada, exploring deeper trade relationships with emerging and established markets, and developing a new export promotion strategy.

At this time, the CBSA's first focus should be on completing the original Beyond the Border commitments. In addition to those, PCO consulted with Departments and Agencies (including meeting with key representatives from CBSA) during the Summer to brainstorm ideas for a potential Post 2016 Canada-US Border Strategy (see attached "PCO 2016 Canada - US Ideas"). Given the extent of the list, we feel there is sufficient information to use in future briefings.

IDEAS

Recurring themes have been discussed internally between VPs and DGs from various Branches (Programs, Operations, ISTB) as well as externally at two recent Canada-US Border Conferences. If you are called upon to advance further ideas to add to a Post 2016 Canada-US Border Strategy, you may wish to propose the following ideas:

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Expansion of Preclearance

Although Preclearance is on the attached PCO list, there is a need to expand Preclearance (air, land and rail –e.g. Montreal/New York City; formalize the Rocky Mountaineer agreement in the Pacific Region). There could be great interest in developing a Preclearance initiative at an airport such as Billy Bishop Toronto City Airport or the Quebec City Airport. Given the US will be signing off Preclearance agreements with nine countries and ten airports in 2016,

Small and Remote Ports of Entry

In terms of land mode, the CBSA could build on pre-existing Border Infrastructure Investment Plan (BIIP) accomplishments under the Small and Remote Ports of Entry (SRPOE) initiative. A land Preclearance initiative at a SRPOE could be pursued where “co-location” of facilities and officers with the US to preclear entry into Canada for both commercial and traveller in the US could be of mutual interest, such as where US facilities far exceed that of the CBSA’s.

Responding to eCommerce growth

The CBSA should develop a strategy to respond to the growing needs of eCommerce. Having an e-Commerce Strategy initiative in place would further enhance the CBSA’s Border Modernization priority of developing a modern border management Agency that excels in service delivery. Considering that eCommerce has significant impacts on both the courier mode and the postal mode, an area of interest to both the US and the CBSA could be looking to harmonize these two modes (especially around eCommerce) in the future.

Cross Border Rail

With the development of a Cross Border Rail initiative, there is a definite potential for sharing infrastructure and information (e.g., examination results) that would greatly align with both the CBSA’s Border Modernization as well as the Government’s commitment to promote a steadier flow of goods and business travellers by modernizing border infrastructure and streamlining cargo inspections. The initiative would be looking to alternatives to building new, or duplicate rail infrastructure by leveraging existing infrastructure on either side of the frontier,

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Common Enrolment

CBSA and US CBP could further explore and enhance the joint enrolment process for the NEXUS program.

The

Radio Frequency Identification

to further reduce wait times and delays, which would promote a steadier flow of goods and business travellers by modernizing border infrastructure. Expanding RFID for goods was a priority that was initially featured in the attached PCO list.

Peter Hill, A/Vice-President
Programs Branch

Attachment (PCO 2016 Canada - US Ideas)

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PCO 2016 Canada – US Ideas

Preclearance

- Operationalize for people and goods
- |

Single Window

- Align data elements and not the systems.

Trusted Traders

- Further alignment and expansion of benefits

Commercial Facilitation

- Confirm the definition of processed foods under ICSS. We believe they mean low risk agricultural commodities which is very different from processed foods.
- RFID for goods

Border Modernization

- Best practices (e.g. operations at land border, eliminate cash collection for trucks, leverage wait time information)

Business Travellers

-

Trusted Travellers

- NEXUS Expansion and mutual recognition of other national programs

Visas and Travel Authorization

-
-

Entry / Exit

- Joint work to implement phase III (land)

Information Sharing

-



For action

BORDER OPERATIONS CENTRE SIGNIFICANT EVENT NOTIFICATIONS

For the President

PURPOSE

To propose modifications to the distribution of Significant Event Notifications (SEN) to Canada Border Services Agency (CBSA) senior management, with particular focus on the President, Executive Vice-President and Branch Vice-President offices.

ISSUE

The Border Operations Centre (BOC) significant event reporting provides near real-time information for impacted CBSA decision-makers and offices of primary interest (OPI). The current SEN distribution methodology results in a high volume of SEN containing information of both tactical and strategic significance being delivered to lists of 200 plus recipients at multiple levels, including the President's office. Modifications are being proposed to increase the relevance while reducing the volume of SEN being delivered to CBSA senior leaders and OPI.

BACKGROUND

The BOC operates a comprehensive system of operational event reporting and notifications to maintain a "no surprises" information environment for leaders at all levels. Immediate incident and event awareness is delivered through BOC produced SEN on a 24/7 basis. Less urgent operational event reporting is provided through the daily CBSA Today, Issue Fact Sheets, planned event structured reporting and the daily issues management briefing. Currently, most SEN are distributed to senior leaders as a result of their membership in the Category 1 distribution list.

SEN reporting is based upon two components: 24 specific Incident Reporting Criteria (IRC), which define reporting thresholds and compartmentalize information, and distribution lists. The modernization of distribution lists is being finalized to better align with the concept of "need to know" and increase reporting relevance. The high-level business rules guiding distribution list modernization are:

STATUS

To improve the relevance of information that is distributed to senior management, the following adjustments to reporting triggers are planned. The President, Executive Vice-President and Branch Vice-President offices will receive SEN regarding the following events:

SEN will no longer be distributed to senior management regarding the following events:


Specific senior management distribution list triggers are included in Attachment 1.

NEXT STEPS

An Operations Branch memoranda will communicate the new approach once approved.

A trial period will be used during which adjustments will be made based upon feedback received.

NOV 13 2015


Caroline Xavier, A/Vice-President
Operations Branch

President's Response

I approve ☒

I do not approve ☐

NOV 13 2015


Linda Lizotte-MacPherson

ATTACHMENT

1. Annex A: Modified Triggers for Activation of Senior Management Significant Event Notification Reporting

Blanchard, NathalieX

From: Blanchard, NathalieX
Sent: October 7, 2015 05:27 PM
To: Roach, Lisa; St-Laurent, Andrea
Cc: Saindon, Hubert; Guevremont-Loftus, Jennyfer; Carbonneau, Alex; Guevremont-Loftus, Jennyfer
Subject: FW: TASKING: FINTRAC meeting with EVP debrief

BF in VPO October 14 – please coordinate the one pager (NBOC and programs)

AVP Ops agreed to put together a one pager on the FINTRAC relationship with CBSA that would also include:

- Programs involvement with FINTRAC
- What do we need more from FINTRAC
- Would a central processing point for requests in and out of CBSA be useful?



Financial Transactions and Reports Analysis Centre of Canada

PROTECTION SERVICE
INTEGRITY



Prepared by the Intelligence
Operations and Analysis
Division

PROTECTION SERVICE
INTÉGRITÉ

October 2015

PROTECTION SERVICE INTEGRITY

Canada



About FINTRAC

- The Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) is Canada's financial intelligence unit and was created in 2000
- FINTRAC's mandate is to facilitate the detection, prevention and deterrence of money laundering and the financing of terrorist activities, while ensuring the protection of personal information under its control
- Established and operates within the ambit of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)* and its Regulations

PROTECTION - SERVICE - INTEGRITY

- FINTRAC is an independent agency reporting to the Minister of Finance, who is accountable of the Centre's activities.
- FINTRAC is a member of the Egmont Group of Financial Intelligence Units whose purpose is to enhance cooperation and information exchange in support of member countries' anti-money laundering and terrorist financing regimes.
- Its mission is to contribute to the public safety of Canadians and help protect the integrity of Canada's financial system through the detection and deterrence of money laundering and terrorist financing.
- Its vision is to be recognized as a world-class financial intelligence unit in the global fight against money laundering and terrorist financing.

??




FINTRAC and the CBSA

- The CBSA and FINTRAC share information under the governance of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)*
- Information sharing requires reporting of certain cross-border financial transactions
- The CBSA is responsible for administering and enforcing Part 2 of the PCMLTFA, which requires that all importations or exportations of currency and/or monetary instruments valued at \$10,000 CAD or greater be reported to the CBSA
- CBSA and FINTRAC share a Memorandum of Understanding (MOU)

PROTECTED INFORMATION - INFORMATION PROTÉGÉE

- Currency reporting to the CBSA is made in writing on the appropriate Cross-Border or Monetary Instruments Report (CBMIR):
 - Form E677, CBMIR- Individual
 - Form E667, CBMIR- General
 - Form E668, CBMIR- Person in charge of a conveyance
- The CBSA and FINTRAC have a MOU regarding the reporting of, and information sharing on, the cross-border movement of currency and monetary instruments.
- MOU stipulates that reports filed at ports of entry (CBMIR and/or currency seizure reports) must be submitted to FINTRAC within 15 days of their occurrence.
- The CBSA administers the Cross-Border Currency Reporting program, and transmits information from compliant reports as well as currency enforcement actions (seizures and forfeitures) to FINTRAC.
- CBSA intelligence officers may request financial intelligence from FINTRAC.



FINTRAC Assessments: Benefits for the CBSA

- Corroborate or negate suspected targets and corroborate / substantiate information already suspected
- Identify additional / new targets
- Allow for dissemination of information to other domestic agencies as well as foreign agencies
- Provide the CBSA with foreign information otherwise unknown or unattainable
- Assist to identify new, previously unknown information regarding known subjects, their businesses and methods of laundering money
- Provide new information regarding unknown subjects and their linkages to persons of interest in CBSA files
- Help to identify multiple sources of funds
- Enable the CBSA to provide the financial intelligence to another agency, specifically the Royal Canadian Mounted Police, to facilitate their efforts in ongoing operations against human smuggling, security threats and drug trafficking networks


PROTECTION - SERVICE - INTELLIGENCE

Enforcement and Intelligence context:

Intelligence: Intelligence officers within Integrated Proceeds of Crime Units, or person acting on their behalf, are responsible for facilitating the exchange of timely information or intelligence concerning individuals and organizations suspected of involvement in money laundering or terrorist financing activities. They also assist with ongoing intelligence efforts as outlined in slide 7. Officer disclosures to FINTRAC are completed by intelligence personnel.

Inland enforcement: FINTRAC assessments can enhance the supporting documentation to make inadmissibility determinations (i.e. criminality, serious criminality, organized crime).

Criminal investigations: FINTRAC information can assist with IRPA investigations.



Cross-border Currency and Monetary Instruments Reports

- The CBSA collects CBCMIRs from travellers and couriers on behalf of FINTRAC
- The information provided on the CBCMIR is subject to the general provisions of the *Privacy Act* and is collected under the authority of the PCMTLFA
- All CBCMIRs are sent from the regions to CBSA headquarters where they are manually input into a FINTRAC web-based database called F2R.
- Once entered into F2R, the CBCMIR hard copies are sent by courier to FINTRAC
- The CBSA does not retain a copy of the information from the CBCMIRs once transferred to FINTRAC
- FINTRAC is responsible for the management (i.e. Access to Information and Privacy requests), analysis and dissemination of information related to the CBCMIRs

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There are three different types of CBCMIRs:

Form E677, Cross-Border Currency or Monetary Instruments Report (CBCMIR) – Individual

Form E667, Cross-Border Currency or Monetary Instruments Report (CBCMIR) – General.

Form E668, Cross-Border Currency or Monetary Instruments Report (CBCMIR) - made by Person in charge of conveyance

CBCMIRs are entered into F2R on a daily basis (Monday to Friday).

Access to Information and Privacy requests- if the CBSA is in possession of the report at the moment of the request, the Agency must release the information after ensuring that all exemptions have been applied.



Facts and Figures

- FINTRAC data assists the CBSA to develop additional leads on efforts to interdict organized criminality, terrorism and other illegitimate people and goods entering Canada with a link to proceeds of crime
- Between 2011-2015, the CBSA submitted 156,807 cross-border currency reports/cross border seizure reports (source: *FINTRAC Annual Report 2014* and CBSA Traveller Programs Directorate)
- FINTRAC made 139 disclosures to the CBSA in 2014 which accounts for approximately 7.8% of the 1,776 disclosures made by FINTRAC to law enforcement partners (source: *FINTRAC Annual Report 2014*)
- In 2014, 23 requests (Voluntary Information Record) were submitted by the CBSA to FINTRAC
- In 2014-2015, the CBSA transmitted 43,305 CBCMIRs to FINTRAC

PROTECTION - SECURITÉ - INTÉGRITÉ

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Cross-border currency reports/cross-border seizure reports filed with the CBSA:

- 2011-12 35,026
- 2012-13 31,826
- 2013-14 46,650
- 2014-15 43,305

Thank you / Merci

Prepared by the Intelligence
Operations and Analysis
Division, Enforcement and
Intelligence Operations
Directorate

PROTECTION • SERVICE • INTEGRITY

13

St-Laurent, Andrea

Subject: FW: TASKING: FINTRAC meeting with EVP debrief

From: Blanchard, NathalieX

Sent: October 7, 2015 5:27 PM

To: Roach, Lisa; St-Laurent, Andrea

Cc: Saindon, Hubert; Guevremont-Loftus, Jennyfer; Carbonneau, Alex; Guevremont-Loftus, Jennyfer

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Canada Border Services Agency
Agence des services frontaliers du Canada

PROTECTED A / PROTÉGÉ A

CBSA/ASFC-15-

ROUTING SLIP/BORDEREAU D'ACHEMINEMENT

ACTION REQUIRED/ MESURE REQUISE			
Name and Telephone Number/ Nom et numéro de téléphone	Initials and date/ Initiales et date	Action	Information
Executive Vice-President/ Première vice-présidente Nada Semaan		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vice-President/ Vice-président Martin Bolduc	<i>Bz</i> OCT 22 2015	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Associate Vice-President/ Vice-présidente associée Caroline Xavier		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Director General/ Directeur général Andrew LeFrank Tel./Tél. : 613-948-0423	<i>[Signature]</i>		
Subject/Objet : FINTRAC – Relationship with the CBSA Action/Mesure : For information/Pour information Please find enclosed background information the Canada Border Services Relationship with the Financial Transactions and Reports Analysis Centre.			

Canada Border Services Agency
Operations Branch, V.P.'s Office

OCT 21 2015

24765

Agence des services frontaliers du Canada
Branche générale des opérations, Bureau du V.P.



PROTECTED A

CANADA BORDER SERVICES AGENCY AND THE FINANCIAL TRANSACTIONS AND REPORTS ANALYSIS CENTRE

The Canada Border Services Agency (CBSA) and Financial Transactions and Reports Analysis Centre (FINTRAC) share information under the governance of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (PCMLTFA). There is an existing Memorandum of Understanding regarding the reporting of, and information sharing on, the cross-border movement of currency and monetary instruments. The CBSA administers the Cross-Border Currency Reporting program and transmits information from compliant reports, as well as currency enforcement actions (seizures and forfeitures) to FINTRAC.

The PCMLTFA permits the disclosure of information to the CBSA where FINTRAC determines the information is relevant to an offence related to the importation of goods which are prohibited, controlled or regulated under the *Customs Act*, as well as relevant to admissibility of persons and offences within the authorities of the *Immigration and Refugee Protection Act*.

The CBSA Programs Branch Traveller Programs Directorate's Program Compliance and Outreach Division receives all Cross-Border Currency and Monetary Instruments Reports (CBCMIR) from the regions and manually inputs the data on a daily basis into a FINTRAC web-based database called F2R. Once entered into F2R, the CBCMIR hard copies are sent by courier to FINTRAC. In addition, the division generates reporting from the Integrated Customs Enforcement System on currency and monetary instruments enforcement actions and transmits the report to FINTRAC. All seizures must be reported to FINTRAC within 15 days of their occurrence.

The CBSA's current relationship with FINTRAC is excellent. Through the Enforcement and Intelligence Operations Directorate (EIOD), the Operations Branch receives information from FINTRAC that has a nexus to the Agency's mandate. The EIOD's three divisions; the Intelligence Operations and Analysis Division, the Inland Enforcement and Case Management Division, and the Criminal Investigations Division, assess information that is related to their business lines to determine whether it supports further enforcement and/or intelligence action. The quality of the financial reporting the CBSA receives from FINTRAC is extremely useful and relevant to enforcement and intelligence activities.

The current processing points for requests transmitted and received between the CBSA and FINTRAC direct the information to the appropriate office of primary interest. Whether it is data transmitted to FINTRAC or financial reporting received from FINTRAC, the CBSA continues to benefit from its collaborative working relationship.

Prepared By: *Enforcement and Intelligence Operations Directorate*
Author: *Rocio Medalla, Intelligence Operations and Analysis Division*

Meeting of EUP
Re: FINTAC

Oct 7/00
CBSA ASFC
PROTECTION • SERVICE • INTEGRITY

Operations Branch
Vice President's Office

Direction générale des opérations
Bureau du vice-président

→ Follow up
FINTAC →

→ OPS is PB reports → what does P.B. do?
→ what other work - could one do
more?

→ Where can we do
more of them?
→ Benefits of a formal?
→ Does having it create good
vs Centralized model



Canada Border
Services Agency

Agence des services
frontaliers du Canada

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